

1 Megan A. Richmond (SBN 170753)
2 **MEGAN A. RICHMOND, APC**
3 655 West Broadway, Suite 1700
4 San Diego, California 92101
5 Telephone: (619) 237-3490
6 Email: megan@therichmondfirm.com

7 C. Brooks Cutter (SBN 121407)
8 John R. Parker, Jr. (SBN 257761)
9 Celine E. Cutter (SBN 312622)
10 **CUTTER LAW, P.C.**
11 401 Watt Avenue
12 Sacramento, CA 95864
13 Telephone: (916) 290-9440
14 Facsimile: (916) 588-9330
15 Email: bcutter@cutterlaw.com;
16 Email: iparker@cutterlaw.com;
17 Email: ccutter@cutterlaw.com

18 Moira Kamgar (SBN 141383)
19 **MOIRA KAMGAR APC**
20 2901 W Coast Hwy, Ste. 200
21 Newport Beach, CA 92663
22 Telephone: (949) 422-5554
23 Email: moirakamgar@gmail.com

24 Attorneys for Plaintiff

25 **UNITED STATES DISTRICT COURT**
26
27 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

28 MARYANN WHITEHALL,
1 Plaintiff,

2 vs.

3 COUNTY OF RIVERSIDE, a legal
4 subdivision of the State of California,
5 and DOES 1-10, inclusive,

6 Defendants.

7 Case No.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
2510
2511
2512
2513
2514
2515
2516
2517
2518
2519
2520
2521
2522
2523
2524
2525
2526
2527
2528
2529
2530
2531
2532
2533
2534
2535
2536
2537
2538
2539
2540
2541
2542
2543
2544
2545
2546
2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559
25510
25511
25512
25513
25514
25515
25516
25517
25518
25519
25520
25521
25522
25523
25524
25525
25526
25527
25528
25529
25530
25531
25532
25533
25534
25535
25536
25537
25538
25539
25540
25541
25542
25543
25544
25545
25546
25547
25548
25549
25550
25551
25552
25553
25554
25555
25556
25557
25558
25559
25560
25561
25562
25563
25564
25565
25566
25567
25568
25569
25570
25571
25572
25573
25574
25575
25576
25577
25578
25579
25580
25581
25582
25583
25584
25585
25586
25587
25588
25589
25590
25591
25592
25593
25594
25595
25596
25597
25598
25599
255100
255101
255102
255103
255104
255105
255106
255107
255108
255109
255110
255111
255112
255113
255114
255115
255116
255117
255118
255119
255120
255121
255122
255123
255124
255125
255126
255127
255128
255129
255130
255131
255132
255133
255134
255135
255136
255137
255138
255139
255140
255141
255142
255143
255144
255145
255146
255147
255148
255149
255150
255151
255152
255153
255154
255155
255156
255157
255158
255159
255160
255161
255162
255163
255164
255165
255166
255167
255168
255169
255170
255171
255172
255173
255174
255175
255176
255177
255178
255179
255180
255181
255182
255183
255184
255185
255186
255187
255188
255189
255190
255191
255192
255193
255194
255195
255196
255197
255198
255199
255200
255201
255202
255203
255204
255205
255206
255207
255208
255209
255210
255211
255212
255213
255214
255215
255216
255217
255218
255219
255220
255221
255222
255223
255224
255225
255226
255227
255228
255229
255230
255231
255232
255233
255234
255235
255236
255237
255238
255239
255240
255241
255242
255243
255244
255245
255246
255247
255248
255249
255250
255251
255252
255253
255254
255255
255256
255257
255258
255259
255260
255261
255262
255263
255264
255265
255266
255267
255268
255269
255270
255271
255272
255273
255274
255275
255276
255277
255278
255279
255280
255281
255282
255283
255284
255285
255286
255287
255288
255289
255290
255291
255292
255293
255294
255295
255296
255297
255298
255299
255300
255301
255302
255303
255304
255305
255306
255307
255308
255309
255310
255311
255312
255313
255314
255315
255316
255317
255318
255319
255320
255321
255322
255323
255324
255325
255326
255327
255328
255329
255330
255331
255332
255333
255334
255335
255336
255337
255338
255339
255340
255341
255342
255343
255344
255345
255346
255347
255348
255349
255350
255351
255352
255353
255354
255355
255356
255357
255358
255359
255360
255361
255362
255363
255364
255365
255366
255367
255368
255369
255370
255371
255372
255373
255374
255375
255376
255377
255378
255379
255380
255381
255382
255383
255384
255385
255386
255387
255388
255389
255390
255391
255392
255393
255394
255395
255396
255397
255398
255399
255400
255401
255402
255403
255404
255405
255406
255407
255408
255409
255410
255411
255412
255413
255414
255415
255416
255417
255418
255419
255420
255421
255422
255423
255424
255425
255426
255427
255428
255429
255430
255431
255432
255433
255434
255435
255436
255437
255438
255439
255440
255441
255442
255443
255444
255445
255446
255447
255448
255449
255450
255451
255452
255453
255454
255455
255456
255457
255458
255459
255460
255461
255462
255463
255464
255465
255466
255467
255468
255469
255470
255471
255472
255473
255474
255475
255476
255477
255478
255479
255480
255481
255482
255483
255484
255485
255486
255487
255488
255489
255490
255491
255492
255493
255494
255495
255496
255497
255498
255499
255500
255501
255502
255503
255504
255505
255506
255507
255508
255509
255510
255511
255512
255513
255514
255515
255516
255517
255518
255519
255520
255521
255522
255523
255524
255525
255526
255527
255528
255529
255530
255531
255532
255533
255534
255535
255536
255537
255538
255539
255540
255541
255542
255543
255544
255545
255546
255547
255548
255549
255550
255551
255552
255553
255554
255555
255556
255557
255558
255559
255560
255561
255562
255563
255564
255565
255566
255567
255568
255569
255570
255571
255572
255573
255574
255575
255576
255577
255578
255579
255580
255581
255582
255583
255584
255585
255586
255587
255588
255589
255590
255591
255592
255593
255594
255595
255596
255597
255598
255599
2555100
2555101
2555102
2555103
2555104
2555105
2555106
2555107
2555108
2555109
2555110
2555111
2555112
2555113
2555114
2555115
2555116
2555117
2555118
2555119
2555120
2555121
2555122
2555123
2555124
2555125
2555126
2555127
2555128
2555129
2555130
2555131
2555132
2555133
2555134
2555135
2555136
2555137
2555138
2555139
2555140
2555141
2555142
2555143
2555144
2555145
2555146
2555147
2555148
2555149
2555150
2555151
2555152
2555153
2555154
2555155
2555156
2555157
2555158
2555159
2555160
2555161
2555162
2555163
2555164
2555165
2555166
2555167
2555168
2555169
2555170
2555171
2555172
2555173
2555174
2555175
2555176
2555177
2555178
2555179
2555180
2555181
2555182
2555183
2555184
2555185
2555186
2555187
2555188
2555189
2555190
2555191
2555192
2555193
2555194
2555195
2555196
2555197
2555198
2555199
2555200
2555201
2555202
2555203
2555204
2555205
2555206
2555207
2555208
2555209
2555210
2555211
2555212
2555213
2555214
2555215
2555216
2555217
2555218
2555219
2555220
2555221
2555222
2555223
2555224
2555225
2555226
2555227
2555228
2555229
2555230
2555231
2555232
2555233
2555234
2555235
2555236
2555237
2555238
2555239
2555240
2555241
2555242
2555243
2555244
2555245
2555246
2555247
2555248
2555249
2555250
2555251
2555252
2555253
2555254
2555255
2555256
2555257
2555258
2555259
2555260
2555261
2555262
2555263
2555264
2555265
2555266
2555267
2555268
2555269
2555270
2555271
2555272
2555273
2555274
2555275
2555276
2555277
2555278
2555279
2555280
2555281
2555282
2555283
2555284
2555285
2555286
2555287
2555288
2555289
2555290
2555291
2555292
2555293
2555294
2555295
2555296
2555297
2555298
2555299
2555300
2555301
2555302
2555303
2555304
2555305
2555306
2555307
2555308
2555309
2555310
2555311
2555312
2555313
2555314
2555315
2555316
2555317
2555318
2555319
2555320
2555321
2555322
2555323
2555324
2555325
2555326
2555327
2555328
2555329
2555330
2555331
2555332
2555333
2555334
2555335
2555336
2555337
2555338
2555339
2555340
2555341
2555342
2555343
2555344
2555345
2555346
2555347
2555348
2555349
2555350
2555351
2555352
2555353
2555354
2555355
2555356
2555357
2555358
2555359
2555360
2555361
2555362
2555363
2555364
2555365
2555366
2555367
2555368
2555369
2555370
2555371
2555372
2555373
2555374
2555375
2555376
2555377
2555378
2555379
2555380
2555381
2555382
2555383
2555384
2555385
2555386
2555387
2555388
2555389
2555390
2555391
2555392
2555393
2555394
2555395
2555396
2555397
2555398
2555399
2555400
2555401
2555402
2555403
2555404
2555405
2555406
2555407
2555408
2555409
2555410
2555411
2555412
2555413
2555414
2555415
2555416
2555417
2555418
2555419
2555420
2555421
2555422
2555423
2555424
2555425
2555426
2555427
2555428
2555429
2555430
2555431
2555432
2555433
2555434
2555435
2555436
2555437
2555438
2555439
2555440
2555441
2555442
2555443
2555444
2555445
2555446
2555447
2555448
2555449
2555450
2555451
2555452
2555453
2555454
2555455
2555456
2555457
2555458
2555459
2555460
2555461
2555462
2555463
2555464
2555465
2555466
2555467
2555468
2555469
2555470
2555471
2555472
2555473
2555474
2555475
2555476
2555477
2555478
2555479
2555480
2555481
2555482
2555483
2555484
2555485
2555486
2555487
2555488
2555489
2555490
2555491
2555492
2555493
2555494
2555495
2555496
2555497
2555498
2555499
2555500
2555501
2555502
2555503
2555504
2555505
2555506
2555507
2555508
2555509
2555510
2555511
2555512
2555513
2555514
2555515
2555516
2555517
2555518
2555519
2555520
2555521
2555522
2555523
2555524
2555525
2555526
2555527
2555528
2555529
2555530
2555531
2555532
2555533
2555534
2555535
2555536
2555537
2555538
2555539
2555540
2555541
2555542
2555543
2555544
2555545
2555546
2555547
2555548
2555549
2555550
2555551
2555552
2555553
2555554
2555555
2555556
2555557
2555558
2555559
2555560
2555561
2555562
2555563
2555564
2555565
2555566
2555567
2555568
2555569
2555570
2555571
2555572
2555573
2555574
2555575
2555576
2555577
2555578
2555

PRELIMINARY STATEMENT

1. Plaintiff MARYANN WHITEHALL, a social worker and employee of Defendant COUNTY OF RIVERSIDE, brings this action under the United States Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 207, for remedies arising out of Defendants’ non-payment of overtime. By this Complaint, Plaintiff seeks unpaid wages, penalties, liquidated damages, restitution, attorneys’ fees and costs of suit pursuant to *inter alia*, 29 U.S.C. § 216(b).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over the claims asserted herein pursuant to Article III of the United States Constitution, as well as original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

3. Venue is proper in this Court under 28 U.S.C. § 1331(b). Defendant resides in this District for the purposes of the foregoing venue statute, and a substantial part of the acts, events and / or omissions giving rise to the claims set forth in this Complaint occurred in this District.

PARTIES

4. Plaintiff MARYANN WHITEHALL is an individual citizen of the United States of America and the State of California, and resides in this District. Within three (3) years of the date Plaintiff's Consent to Sue was filed in the related action, *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231, Plaintiff MARYANN WHITEHALL was employed as a non-exempt, case-carrying social worker by Defendant in the CHILDREN'S SERVICES DIVISION of Defendant's DEPARTMENT OF PUBLIC SOCIAL SERVICES (a "CSD Social Worker") in this District.

5. The Court in *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231 tolled the Statute of Limitations from April 7, 2022 until July 11,

1 2022 for this Plaintiff. Plaintiffs' claim was accordingly tolled during the pendency
2 of that matter through July 11, 2022

3 6. Defendant COUNTY OF RIVERSIDE (hereinafter "Defendant") is a
4 legal subdivision of the State of California, pursuant to Article 11, Section 1(a) of
5 the California Constitution and Cal. Gov. Code § 23002.

6 7. Defendants DOES 1-10, inclusive, are sued herein under fictitious
7 names. Their true names and capacities are unknown to Plaintiff. When their true
8 names and capacities are ascertained, Plaintiff will amend this Complaint by
9 inserting their true names and capacities herein. Plaintiff is informed and believes,
10 and thereon alleges, that each of these fictitiously named defendants is responsible
11 in some manner for the occurrences alleged herein and that the damages alleged
12 herein were caused by such defendants.

13 **GENERAL ALLEGATIONS**

14 8. Throughout Plaintiff's employment with Defendant, Defendant was
15 required under the FLSA to compensate Plaintiff for all hours worked, along with a
16 time-and-a-half premium for all time worked in excess of forty (40) hours per week.
17 Defendant failed to compensate Plaintiff for all hours worked as required by the
18 FLSA.

19 9. Plaintiff is informed and believes, and therefore alleges, that at all
20 times herein mentioned, Defendant was advised by skilled and competent
21 employees, advisors, lawyers and other professionals knowledgeable about the
22 requirements of the FLSA and proper procedures for the payment of overtime
23 compensation to non-exempt employees. Plaintiff thereon alleges that Defendant
24 knew it had a duty to compensate Plaintiff for all hours worked, including overtime,
25 at rates required by the FLSA, and that Defendant willfully, knowingly and
26 intentionally failed and refused to do so.

1 10. Records, if any, concerning the number of hours actually worked by
2 Plaintiff and the compensation actually paid to Plaintiff are in the possession and
3 custody of the Defendant.

4 **FIRST CLAIM FOR RELIEF (Violation of FLSA, 29 U.S.C. §207)**

5 11. Plaintiff incorporates by reference the allegations of Paragraphs 1
6 through 10 of this Complaint, as though fully set forth in this First Claim for Relief.

7 12. At all times relevant to this Complaint, Defendant was an enterprise
8 engaged in interstate commerce or in the production of goods for commerce as
9 defined by 29 U.S.C. §§ 203(r) and 203(s). At all times relevant to this Complaint,
10 Defendant was an employer within the meaning of 29 U.S.C. § 203(d) and has
11 employed and may continue to employ within the meaning of 29 U.S.C. § 203(g)
12 Plaintiff.

13 13. Plaintiff was employed by Defendant as a non-exempt, case-carrying
14 CSD Social Worker.

15 14. All non-exempt CSD Social Workers, including Plaintiff, are entitled
16 under the FLSA to be compensated for all of hours worked, plus a time-and-a-half
17 premium for all time worked in excess of forty (40) hours per week.

18 15. While Plaintiff was employed by Defendant, Defendant frequently
19 required, suffered, and/or permitted Plaintiff to work more than forty (40) hours per
20 week without paying all of the compensation required by the FLSA, pursuant to
21 written and unwritten employment policies.

22 16. Upon information and belief, Defendants failed to accurately record,
23 report, and/or preserve complete records of hours worked by Plaintiff, as required
24 pursuant to 29 U.S. Code § 211(c). To the extent that any such records do exist,
25 they are in the possession of Defendants and are discoverable in this action.

17. Defendant's unlawful conduct was repeated and consistent throughout Plaintiff's entire period of employment as a CSD Social Worker. Upon information and belief, Defendant's policies and procedures were not FLSA compliant.

18. Upon information and belief, Defendant's supervisors and managers knew or should have known that Plaintiff was working overtime without receiving all compensation required under the FLSA.

19. Upon information and belief, Defendant knew or should have known that Plaintiff, was often assigned an amount of work that could not be completed in forty (40) hours per week. Defendant's failure to pay Plaintiff all compensation owed in a timely manner was therefore reckless and/or willful and intentional.

20. Defendant's failure to pay overtime to Plaintiff, was "willful" for the purposes of 29 U.S.C. § 255(a) because, after having been served written notification that social workers were working uncompensated overtime by the Riverside County Civil Grand Jury, Defendant continued to require CSD Social Workers, including Plaintiff, to complete all tasks assigned without receiving full compensation for all hours worked as required by the FLSA.

21. By reason of Defendants' foregoing conduct, Plaintiff has suffered harm and been damaged. Plaintiff is therefore entitled to and seeks damages pursuant to 29 U.S.C. §255(a) in the amount of all unpaid overtime for the maximum period allowed by law, and inclusive of all applicable tolling periods. Plaintiff is also entitled to attorney fees, liquidated damages, interest and costs pursuant to 29 U.S.C. § 216(b), as well as such other legal and equitable relief as the Court deems just and proper.

22. WHEREFORE, Plaintiff requests relief as set forth in this First Claim for Relief and below.

PRAYER FOR RELIEF

1 WHEREFORE, Plaintiff MARYANN WHITEHALL prays for the following
2 relief pursuant to *inter alia*, 29 U.S.C. § 216(b):

3 1. Judgment against Defendants for an amount equal to the overtime
4 Defendants failed to pay at the applicable overtime rate;

5 2. Liquidated damages in an additional amount equal to the overtime
6 Defendants failed to pay at the applicable overtime rate;

7 3. Attorney's fees and costs;

8 4. A finding that Defendants' violations of law were willful pursuant to
9 29 U.S.C. § 255(a), providing for an extended three-year damages recovery period
10 preceding the date Plaintiff's executed Consent to Sue was filed in the related action
11 *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231;

12 5. An award of prejudgment interest; and

13 6. Such further relief as the Court deems just and equitable.

14
15 Dated: July 11, 2022

Respectfully submitted,

16
17 CUTTER LAW P.C.

18 By: /s/ John R. Parker, Jr.
19 John R. Parker, Jr.

20
21 Megan A. Richmond (SBN 170753)
22 **MEGAN A. RICHMOND, APC**
23 655 West Broadway, Suite 1700
24 San Diego, California 92101
25 Telephone: (619) 577-4253
26 Email: megan@therichmondfirm.com

27
28 C. Brooks Cutter (SBN 121407)
COMPLAINT FOR VIOLATION OF FAIR LABOR STANDARDS ACT
AND DEMAND FOR JURY TRIAL
John R. Parker, Jr. (SBN 257761)
Celine E. Cutter (SBN 312622)
CUTTER LAW, P.C.
401 Watt Avenue

1 Sacramento, CA 95864
2 Telephone: (916) 290-9440
3 Facsimile: (916) 588-9330
4 Email: bcutter@cutterlaw.com;
5 Email: jparker@cutterlaw.com;
6 Email: ccutter@cutterlaw.com

7 Moira Kamgar (SBN 141383)
8 **MOIRA KAMGAR APC**
9 2901 W Coast Hwy, Ste. 200
10 Newport Beach, CA 92663
11 Telephone: (949) 422-5554
12 Email: moirakamgar@gmail.com

13 Attorneys for Plaintiffs

14 **SIGNATURE ATTESTATION**

15 I hereby attest that I have obtain the authorization from the signatories to this
16 e-filed document and have been authorized to indicate their consent by a conformed
17 signature (/s/) within this e-filed document.

18 */s/ John R. Parker, Jr.*
19 _____
20 John R. Parker, Jr.